

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit 46

Page 1

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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF SOUTH CAROLINA
4 CHARLESTON DIVISION

5

6 THE SOUTH CAROLINA STATE CONFERENCE OF THE
7 NAACP, et al.,

8

9 Plaintiffs,

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11 vs. CASE NO. 3:21-CV-03302-JMC-TJH-RMG

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13 THOMAS C. ALEXANDER, et al.,

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15 Defendants.

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17 VIDEOCONFERENCE

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19 DEPOSITION OF: CHRIS MURPHY
20 (Attending by VTC)

21

22 DATE: June 23, 2022

23

24 TIME: 10:09 a.m.

25

LOCATION: Law Offices of
NEXSEN PRUET, LLC
205 King Street
Suite 400

26

Charleston, South Carolina

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28 TAKEN BY: Counsel for the Plaintiff

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30 REPORTED BY: JULIE L. BONOMO
(Attending by VTC)

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1 were in this case. You mentioned the deadline.
2 You mentioned the significance of the legislation.
3 Is there anything else that, in your mind, turned
4 this into an extraordinary circumstance?

5 A. Well, the fact that I had COVID, and I
6 wasn't going to go up to Columbia to chair a
7 meeting when I was suffering from a fever and other
8 effects of COVID and risk putting -- I mean, other
9 members contact COVID based on my being there at
10 the meeting was the underlying -- I guess, the
11 major extraordinary circumstance to this, so this
12 was not a relative run -- run-of-the-mill piece of
13 legislation. If -- if this had not been
14 congressional redistricting, the meeting would have
15 been cancelled until I could attend.

16 Q. In your time on the judiciary
17 committee, have there been other instances where
18 you or the chairman, whoever that was, was unable
19 to attend?

20 A. Not that I can recall.

21 Q. Okay. I'm going to --

22 A. This was -- go ahead. I'm sorry.

23 Q. No. No, please.

24 A. I'm done.

25 Q. Okay.

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1 A. It would have been -- Rule 14 would
2 have been adopted when we came back to the House
3 after reorganization, so that would have been -- I
4 don't know -- the election was 2020, so it would
5 have been during 2021. You adopt new rules at the
6 beginning of every new session.

7 Q. And were you present for the
8 discussions about adopting Rule 14?

9 A. Yes. We would have adopted them at the
10 first meeting of the House judiciary committee in
11 June -- or excuse me, January of 2021.

12 Q. And at that meeting, when Rule 14 was
13 eventually adopted, did anyone bring up the
14 significance of a piece of legislation as being
15 part of the extraordinary circumstances evaluation?

16 MR. MOORE: Objection as to the form.

17 THE WITNESS: I -- I can't remember if
18 it -- what discussions were made. This rule was
19 not adopted as a stand-alone rule. It was -- it
20 was adopted as part of our -- all of our rules that
21 we were going to operate under for the coming
22 two-year session.

23 BY MR. HIRSCHEL:

24 Q. Why did you choose Representative
25 Newton?

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1 A. Weston is the chair of the subcommittee
2 -- of the constitutional law subcommittee, which is
3 considered, in the hierarchy of the House judiciary
4 subcommittees, as the most important committee. He
5 deals with very complex legislation. Weston is --
6 is a very bright attorney, a very experienced
7 attorney. Weston is also the only other chairman
8 of a standing committee. He chairs the legislative
9 oversight committee, which -- he's been chair of
10 that for, I would say, since -- well, since its
11 inception, at least four years. He's chaired a lot
12 of meetings with a lot of complex issues. He was
13 the most qualified person to chair this meeting
14 regarding the Congressional li- -- redistricting
15 plan.

16 Q. Who's the vice chair of the judiciary
17 committee?

18 A. The vice chair of the committee is
19 John R. King.

20 Q. And did you have concerns that
21 Representative King would not have been up to the
22 task of presiding over this meeting?

23 MR. MOORE: Objection as to the form.

24 THE WITNESS: Representative King is --
25 is a nonlawyer. The vice chair position is -- to

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1 THE WITNESS: I -- I never said I
2 didn't trust Representative King. I said under
3 these extraordinary circumstances, that Weston
4 Newton, based on his vast experience and knowledge
5 of our rules and the fact that he has chaired other
6 full committee meetings, was best qualified for
7 this particular piece of le- -- legislation, but
8 don't -- I never said I didn't trust John R. King.
9 John R. King is a friend of mine.

10 Q. Prior to this congressional
11 redistricting cycle, did Representative Newton have
12 any redistricting experience?

13 A. No. Weston came in after -- I think
14 the -- I was elected in 2012, and I believe Weston
15 Newton was elected in 20- -- no, I was elected in
16 2010. Weston Newton was elected in 2012.

17 Q. Okay.

18 MR. HIRSCHEL: I want to introduce one
19 more exhibit, but I want to offer to take a break.
20 We've been going for a little over an hour. It's
21 up to you all.

22 MR. MOORE: A short break is fine.

23 MR. HIRSCHEL: Okay. Five minutes?

24 THE WITNESS: That's fine with me.

25 MR. HIRSCHEL: Okay. Let's go off the

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1 Q. Do you know who else -- or rather, do
2 you know who would have known that the ad hoc
3 committee was creating a second new plan --

4 MR. MOORE: Objection as to the form.

5 MR. HIRSCHEL: -- prior to its posting
6 online?

7 MR. MOORE: Objection as to the form.

8 THE WITNESS: I would think that would
9 be a question for Chairman Jordan.

10 BY MR. HIRSCHEL:

11 Q. So you don't have any insight into who
12 knew about the new plan before it was posted?

13 A. No. Again, I was not part of the ad
14 hoc committee process.

15 Q. Okay. Are you aware that this plan was
16 released on December 23rd, 2021?

17 A. No.

18 Q. Are you aware that the hearing on this
19 plan was scheduled for December 29th, 2021?

20 A. I remember that they were having a
21 hearing on December 29th because that's -- I was
22 flying out to Las Vegas.

23 Q. December 29th is two days before New
24 Year's, right?

25 A. Yeah. Yes, sir.

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1 Q. And do -- to your knowledge, do many
2 people in South Carolina travel during that time of
3 year?

4 MR. MOORE: Objection as to form.

5 THE WITNESS: I don't know who travels
6 or where they travel or what they do.

7 BY MR. HIRSCHEL:

8 Q. Is school out in your district on
9 December 29th?

10 A. Yes. That's part of the Christmas
11 break.

12 Q. Do you think that might make it more
13 complicated for folks to attend a hearing on a
14 draft map?

15 A. Well, I mean, they could either attend
16 the meeting in-person, or they could have viewed it
17 online.

18 Q. So it would or would not be more
19 difficult for them to attend a hearing on
20 December 29th as opposed to...

21 A. It's difficult on a -- on a regular day
22 to drive to Columbia.

23 Q. When you first saw this second plan,
24 what was your reaction to it?

25 A. I didn't really have -- have a reaction